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STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

NILES K. BAKKE, D.D.S.,	FINAL DECISION AND ORDER
RESPONDENT.	LS0001052DEN

Division of Enforcement
97 DEN 138

The parties to this proceeding for purposes of sec. 227.53, Stats., are:

*Niles K. Bakke, D.D.S.
2457 N. Mayfair Road
Wauwatosa, WI 53226*

*Wisconsin Dentistry Examining Board
1400 E. Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935*

*Department of Regulation And Licensing
Division of Enforcement
1400 E. Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935*

The Wisconsin Dentistry Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Niles K. Bakke, D.D.S., personally, and by Gilbert C. Lubcke, attorney for the Department of Regulation And Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Dentistry Examining Board makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Niles K. Bakke, D.D.S., Respondent herein, 2457 N. Mayfair Road, Wauwatosa, Wisconsin, 53226, date of birth 4/18/51, is currently licensed and registered to practice dentistry in the state of Wisconsin, license #2379, said license having been granted on 8/31/79.
2. Dr. Bakke specializes in the practice of orthodontics.
3. On 11/29/98, an inspection of Dr. Bakke's office disclosed that Dr. Bakke was not utilizing appropriate infection control techniques and was not properly utilizing biohazardous sharps containers for the disposal of orthodontic wires, brackets and bands.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction in this proceeding pursuant to sec. 447.07, Stats.
2. The Wisconsin Dentistry Examining Board has the authority to resolve this disciplinary proceeding by stipulation without an evidentiary hearing pursuant to sec. 227.44(5), Stats.
3. Dr. Bakke's conduct as described in the Findings of Fact was conduct in violation of to sec. 447.07(3)(a), Stats. and Wis. Admin. Code sec. DE 5.02(5).

ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties is approved.

IT IS FURTHER ORDERED that Niles K. Bakke will attend in its entirety the course in

sanitation and infection control entitled "Annual Training--Dental Occupational Health And Safety" conducted at the Center for Business and Industry at the Northeast Wisconsin Technical College in Green Bay, Wisconsin on 5/19-20/2000. Dr. Bakke will be responsible for all costs associated with attending this course.

IT IS FURTHER ORDERED that Niles K. Bakke will file with the Dentistry Examining Board certification from the sponsoring organization of his attendance at the course, "Annual Training--Dental Occupational Health And Safety", and his affidavit stating under oath that he has attended this course in its entirety. The certification of attendance from the sponsoring organization and Dr. Bakke's affidavit will be filed with the Dentistry Examining Board within 60 days of the date upon which the course was conducted.

IT IS FURTHER ORDERED that Niles K. Bakke will appear before the Dentistry Examining Board, as the Dentistry Examining Board will direct, following his attendance at the course, "Annual Training--Dental Occupational Health And Safety", to review with the Dentistry Examining Board his current sanitation and infection control procedures.

IT IS FURTHER ORDERED that Niles K. Bakke will permit random unannounced inspections of the dental offices at which he practices dentistry to evaluate the sanitation and infection control procedures in use. These inspections will be performed by an individual selected by the Dentistry Examining Board and will be conducted on at least two occasions over a period of one year from the date on which the course, "Annual Training--Dental Occupational Health And Safety", was conducted. The Dentistry Examining Board or its designee will determine the dates on which these inspections will be conducted. The individual conducting the inspections will file a report following each inspection on his or her findings with the Dentistry Examining Board. The individual conducting the inspections will also review his or her findings with Dr. Bakke and make recommendations for improving infection control techniques.

IT IS FURTHER ORDERED that Niles K. Bakke will pay the professional fees and expenses of the individual selected by the Dentistry Examining Board to conduct the inspections of the dental offices at which he practices dentistry within 30 days of the date upon which a statement for these professional fees and expenses is submitted to him.

IT IS FURTHER ORDERED that certifications, affidavits, reports or other documents required to be filed with the Dentistry Examining Board be filed with:

Department Monitor

Department of Regulation And Licensing

Division of Enforcement

P.O. Box 8935

1400 East Washington Ave.

Madison, WI 53708

All certifications, affidavits, reports or other documents required to be filed with the Dentistry Examining Board will be deemed filed with the Dentistry Examining Board upon receipt by the Department Monitor.

IT IS FURTHER ORDERED that following his attendance at the course, "Annual Training--Dental Occupational Health And Safety" and conclusion of the inspections of the dental offices at which he practices dentistry, Niles K. Bakke will appear before the Dentistry Examining Board, as the Dentistry Examining Board will direct, to demonstrate to the Dentistry Examining Board that he has complied with all of the terms of this Order.

The rights of a party aggrieved by this Final Decision And Order to petition the Wisconsin Dentistry Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin, this 5th day of January, 2000.

WISCONSIN DENTISTRY EXAMINING BOARD

Mark Curran, D.D.S.

Member, Wisconsin Dentistry Examining Board